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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,894	05/10/2001	Humberto A. Sanchez II	10007359-1	5415

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EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT PAPER NUMBER

2157

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/852,894	<b>Applicant(s)</b> SANCHEZ ET AL.	
	<b>Examiner</b> Hussein A. El-chanti	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. This action is responsive to amendment received on Nov. 14, 2005. Claims 1-20 are pending examination.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 states that an error message is generated if the user does not specify a target node which is contradictory to claim 1 which states "if the user fails to specify a target node, dynamically computing the management functions of the target node list that contains expanded node".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Olden, U.S. Patent No. 6,460,141.

As to claims 1 and 14, Olden teaches a method and module respectively for executing multi-system aware (MSA) applications in a ServiceControl Manager (SCM) cluster, comprising:

receiving selection of an MSA tool by a user (see col. 12 lines 4-23);

establishing a target node list that contains nodes against which the MSA tool can execute, the establishing step comprising;

obtaining a list of target nodes and a tool definition from a runnable tool, wherein the tool definition specifies roles associated with a tool via an authorization model and wherein the roles define which management functions a user can perform on target nodes associated with the SCM cluster (see col. 11 lines 60-col. 12 lines 23 and col. 13 lines 23-49, a list of all the users in the group is obtained where the administrator is capable of assigning roles through an authorization model); and

if the user fails to specify a target node, dynamically computing the management functions of the target node list that contains expanded node groups and nodes that the

user is able to access based on one or more roles assigned to the user, wherein management functions accessible to a first user is different from management functions accessible to a second user (see col. 14 lines 64-col. 16 lines 36, different users belonging to different groups are assigned by default different access levels in accordance with the group that the user belongs to);

passing the target node list as environment variables to the MSA tool (see col. 17 lines 13-65); and

executing the MSA tool with the environment variables on an MSA managed node (see col. 17 lines 13-65).

As to claim 2, Olden teaches the method of claim 1, wherein the receiving step includes receiving

selection of the MSA tool that launches system interactive applications (see col. 11 lines 60-col. 12 lines 23).

As to claim 3, Olden teaches the method of claim 1, wherein the establishing step includes

establishing a target node list that contains node groups against which the MSA tool can execute (see col. 14 lines 64-col. 16 lines 36).

As to claims 4 and 15, Olden teaches the method and module of claims 1 and 14 respectively, wherein the establishing step includes computing a default target node list from default nodes species that are selected by the user (see col. 14 lines 64-col. 16 lines 36).

As to claims 5 and 16, Olden teaches the method and module of claims 1 and 14 respectively, wherein the passing step includes passing the target node list as target environment variables (see col. 13 lines 23-49).

As to claims 6 and 17, Olden teaches the method and module of claims 1 and 14 respectively, wherein the receiving step includes receiving selection of the MSA tool using a command line interface (see col. 11 lines 4-15).

As to claim 7, Olden teaches the method of claim 6, wherein the establishing step includes establishing the list from target nodes that are selected by the user and specified on the command line (see col. 13 lines 23-49).

As to claim 8, Olden teaches the method of claim 6, further comprising returning an error message if no target node is specified selected by the user (see col. 10 lines 10-col. 11 lines 65).

As to claims 9 and 18, Olden teaches the method and module of claims 1 and 14 respectively, wherein the receiving step includes receiving selection of the MSA tool from a tool view menu using a graphical user interface (see fig. 16-20):

As to claim 10, Olden teaches the method of claim 9, wherein the establishing step includes

receiving selection of target nodes by the user from a dialog in the tool view menu (see fig. 16-20).

As to claims 11 and 19, Olden teaches the method and module of claims 1 and 11 respectively, further comprising receiving selection of target nodes by the user from a node view menu using a graphical user interface (see fig. 16-20).

As to claim 12, Olden teaches the method of claim 11, wherein the receiving selection of the MSA tool step includes selecting the MSA tool by the user from a dialog in the node view menu (see fig. 16-20).

As to claim 13, Olden teaches the method of claim 1, further comprising:  
logging SCM cluster configuration changes in an SCM central log file by a log manager;  
logging tool execution events in an MSA tool log file; and  
integrating the MSA tool log file into the SCM central log file (see col. 14 lines 64-col. 16 lines 36).

As to claim 20, Olden teaches a method for executing multi-system aware (MSA) applications in a ServiceControl Manager (SCM) cluster, comprising:  
changes in an SCM central log file by a log manager  
receiving selection of an MSA tool by a user (see col. 12 lines 4-23);  
establishing a target node list that contains nodes against which the MSA tool can execute, the establishing step comprising;  
obtaining a list of target nodes and a tool definition from a runnable tool, wherein the tool definition specifies roles associated with a tool via an authorization model and wherein the roles define which management functions a user can perform on target nodes associated with the SCM cluster (see col. 11 lines 60-col. 12 lines 23 and col. 13 lines 23-49, a list of all the users in the group is obtained where the administrator is capable of assigning roles through an authorization model); and

if the user fails to specify a target node, dynamically computing the management functions of the target node list that contains expanded node groups and nodes that the user is able to access based on one or more roles assigned to the user wherein the management functions accessible to a first user is different from management functions accessible to a second user (see col. 14 lines 64-col. 16 lines 36, different users belonging to different groups are assigned by default different access levels in accordance with the group that the user belongs to);

executing the MSA tool with the environment variables on an MSA managed node;

logging cluster configuration changes in a central log file by a log manager;

logging tool execution events in an MSA tool log file; and integrating the MSA tool log file into the central log file (see col. 17 lines 13-65).

### ***Response to Arguments***

4. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new grounds of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not



mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

Jan. 31, 2006

  
ARIO ETIENNE  
PRIMARY EXAMINER